

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Case No. C09-0185-JCC

Plaintiff,

ACE PAVING CO., INC., a Washington corporation,

Defendant

This matter comes before the Court on Plaintiff's Motion for Summary Judgment (Dkt. No. 23) and Plaintiff's Reply thereto (Dkt. No. 28). On June 19, 2009, Plaintiff filed its motion with supporting documents for the amount it claims is owed under the parties' collective bargaining agreement. (*See* Dkt. Nos. 23–26.) Plaintiff noted its motion for July 24, 2009, and therefore, Defendant's response brief was due no later than July 20, 2009. Local Rules W.D. Wash. CR 7(d)(3). However, as of the date of this Order, Defendant has not filed any responsive pleading.

The Court previously vacated the default judgment entered against Defendant to allow Plaintiff to determine a reasonable assessment of Defendant's liability for overdue contributions. (*See* Dkt. Nos. 13, 22.) Plaintiff's current motion appears to do just that. Moreover, Defendant's failure to respond to the motion is indicative of the reasonableness of

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1 the amount Plaintiff now claims is owed. *See* Local Rules W.D. Wash. 7(b)(2) ("If a party fails
2 to file opposition to a motion, such failure may be considered by the court as an admission that
3 the motion has merit.") Accordingly,

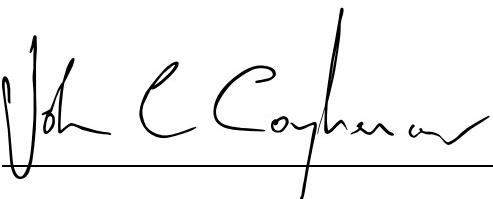
4 IT IS HEREBY ORDERED AND DECREED:

5 1. Plaintiff's Motion for Summary Judgment (Dkt. No. 23) is GRANTED;
6 2. Judgment is awarded in favor of Plaintiff's Trust Fund against Defendant, Ace
7 Paving Co., Inc., in the amounts hereinafter listed, which amounts are due to the Plaintiff for
8 the employment period of November 2008 through February 2009:
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- 10 A. \$51,989.66 for contributions;
11 B. \$10,867.49 for liquidated damages;
12 C. \$2,101.49 for interest as of June 22, 2009 (additional amounts still
13 accruing);
14 D. \$2,819.25 for attorneys' fees; and
15 E. \$437.00 for costs.

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17 SO ORDERED this 27th day of July, 2009.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE